

In re:  
William F. Smith, Sr  
Debtor

Case No. 12-21209-jkf  
Chapter 13

### CERTIFICATE OF NOTICE

District/off: 0313-2

User: Stacey  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

Date Rcvd: Mar 06, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 08, 2018.

db +William F. Smith, Sr, 601 Medary Avenue, Philadelphia, PA 19126-3836

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 08, 2018

Signature: /s/Joseph Speetjens

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 6, 2018 at the address(es) listed below:

ANN E. SWARTZ on behalf of Creditor Deutsche Bank National Trust Company, as Trustee  
ecfmail@mwc-law.com, ecfmail@mwc-law.com  
BRETT ALAN SOLOMON on behalf of Creditor PNC Bank, National Association  
bsolomon@tuckerlaw.com, agilbert@tuckerlaw.com; cabbott@tuckerlaw.com  
CHRISTOPHER A. DENARDO on behalf of Creditor Nationstar Mortgage LLC, et al pakb@logs.com  
DAVID NEEREN on behalf of Creditor Specialized Loan Servicing LLC as servicer for  
dneeren@udren.com, vbarber@udren.com  
DAVID NEEREN on behalf of Creditor Specialized Loan Servicing, LLC as servicing agent for  
U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-14HE, Asset-Backed  
Certificates, Series 2005-14HE dneeren@udren.com, vbarber@udren.com  
DAVID H. LIPOW on behalf of Creditor The Bank of New York Mellon, as Trustee for CIT Mortgage  
Loan Trust 2007-1, by Vericrest Financial, Inc., as its attorney in fact bkecf@milsteadlaw.com,  
dlipow@milsteadlaw.com  
DAVID H. LIPOW on behalf of Creditor Specialized Loan Servicing, LLC as servicing agent for  
U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-14HE, Asset-Backed  
Certificates, Series 2005-14HE bkecf@milsteadlaw.com, dlipow@milsteadlaw.com  
FREDERICK L. REIGLE ecfmail@fredreiglechl3.com, ecf\_frpa@trusteel3.com  
FREDERICK L. REIGLE on behalf of Trustee FREDERICK L. REIGLE ecfmail@fredreiglechl3.com,  
ecf\_frpa@trusteel3.com  
HOWARD GERSHMAN on behalf of Creditor Volvo Car Finance North America hg229ecf@gmail.com,  
229ecf@glpoc.comcastbiz.net  
JEROME B. BLANK on behalf of Creditor The Bank Of New York Mellon F/K/A The Bank Of New York,  
et al. paeb@fedphe.com  
JEROME B. BLANK on behalf of Creditor Deutsche Bank National Trust Company, As Trustee For et  
al. paeb@fedphe.com  
JEROME B. BLANK on behalf of Creditor The Bank Of New York Mellon F/K/A The Bank Of New York  
As Successor et al. paeb@fedphe.com  
JOSEPH ANGELO DESSOYE on behalf of Creditor The Bank Of New York Mellon F/K/A The Bank Of New  
York As Successor et al. paeb@fedphe.com  
JOSEPH ANGELO DESSOYE on behalf of Creditor The Bank Of New York Mellon F/K/A The Bank Of New  
York, et al. paeb@fedphe.com  
JOSEPH ANGELO DESSOYE on behalf of Creditor Deutsche Bank National Trust Company, As Trustee  
For et al. paeb@fedphe.com  
JOSHUA ISAAC GOLDMAN on behalf of Creditor U.S. Bank National Association, Et Al...  
bkgroup@kmlawgroup.com, bkgroup@kmlawgroup.com  
KARINA VELTER on behalf of Creditor HSBC Bank USA, National Association, as Trustee for  
Nomura Asset Acceptance Corporation Mortgage Pass-Through Certificates, Series 2006-AF1  
amps@manleydeas.com  
KEVIN M. BUTTARY on behalf of Creditor The Bank Of New York Mellon, As Trustee For Cit  
Mortgage Loan Trust 2007-1 bkyefile@rasflaw.com  
KEVIN T MCQUAIL on behalf of Creditor Deutsche Bank National Trust Company, as Trustee  
ecfmail@mwc-law.com

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Page 2 of 2  
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Date Rcvd: Mar 06, 2018

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

KIMBERLY A. BONNER on behalf of Creditor U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust, Mortgage Pass-Through Certificates, Series 2006-BNC1  
amps@manleydeas.com  
KIMBERLY A. BONNER on behalf of Creditor HSBC Bank USA, National Association, as Trustee for Nomura Asset Acceptance Corporation Mortgage Pass-Through Certificates, Series 2006-AF1  
amps@manleydeas.com  
KIMBERLY A. BONNER on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION  
amps@manleydeas.com  
LEEANE O. HUGGINS on behalf of Creditor Nationstar Mortgage LLC, et al pakb@logs.com  
LESLIE J. RASE on behalf of Creditor Ocwen Loan Servicing, LLC pakb@logs.com, lerase@logs.com  
MARISSA M. O'CONNELL on behalf of Creditor City Of Philadelphia marissa.o'connell@phila.gov, James.Feighan@phila.gov  
MATTHEW CHRISTIAN WALDT on behalf of Creditor Select Portfolio Servicing, Inc., as servicing agent for U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust, Mortgage Pass-Through Certificates, Series 2006-BNC1 mwaldt@milsteadlaw.com, bkecf@milsteadlaw.com  
MICHAEL D. SAYLES on behalf of Debtor William F. Smith, Sr midusal@comcast.net, michaeldsayles@comcast.net;r43253@notify.bestcase.com  
POLLY A. LANGDON on behalf of Trustee FREDERICK L. REIGLE ecfmail@fredreiglechl3.com, ecf\_frpa@trustee13.com  
RYAN A. GOWER on behalf of Creditor Specialized Loan Servicing, LLC as servicing agent for U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-14HE, Asset-Backed Certificates, Series 2005-14HE bkecf@milsteadlaw.com  
RYAN A. GOWER on behalf of Creditor The Bank of New York Mellon, as Trustee for CIT Mortgage Loan Trust 2007-1, by Vericrest Financial, Inc., as its attorney in fact bkecf@milsteadlaw.com  
SALVATORE CAROLLO on behalf of Creditor Specialized Loan Servicing, LLC as servicing agent for U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-14HE, Asset-Backed Certificates, Series 2005-14HE ldoyle@udren.com, cblack@udren.com  
SHERRI J. BRAUNSTEIN on behalf of Creditor Specialized Loan Servicing, LLC as servicing agent for U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-14HE, Asset-Backed Certificates, Series 2005-14HE sherri.braunstein@phelanhallinan.com, pa.bkecf@fedphe.com  
THOMAS I. PULEO on behalf of Creditor U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust, Mortgage Pass-Through Certificates, Series 2006-BNC1 tpuleo@kmlawgroup.com, bkggroup@kmlawgroup.com  
THOMAS YOUNG.HAE SONG on behalf of Creditor The Bank Of New York Mellon F/K/A The Bank Of New York, et al. paeb@fedphe.com  
THOMAS YOUNG.HAE SONG on behalf of Creditor Deutsche Bank National Trust Company, As Trustee For et al. paeb@fedphe.com  
United States Trustee USTPRegion03.PH.ECF@usdoj.gov  
WILLIAM EDWARD MILLER on behalf of Creditor Ocwen Loan Servicing, LLC  
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com  
WILLIAM EDWARD MILLER on behalf of Creditor The Bank of New York Mellon, by its attorney in fact Ocwen Loan Servicing, LLC wmiller@sterneisenberg.com, bkecf@sterneisenberg.com  
TOTAL: 39

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re** : **Chapter 13**  
**William F. Smith, Sr.,** :  
**Debtor.** : **Case No. 12-21209 (JKF)**

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**ORDER DENYING FEE APPLICATION WITHOUT PREJUDICE**

This 6th day of March, 2018, upon review of the Amended Supplemental Application for Compensation and Reimbursement of Expenses for Services Performed after Confirmation of Chapter 13 Plan ("Amended Supplemental Application") (Docket Entry #241) filed by Michael S. Sayles, Esquire;

**AND** Mr. Sayles having signed and filed a Disclosure of Compensation Form on December 21, 2012, stating that he agreed to accept a flat payment of \$3,500 for rendering legal services to the Debtor for his bankruptcy case except for: "Representation of the debtors [sic] in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceedings" (see Docket Entry #12);

**AND** Debtor having paid \$950 of the flat fee amount prior to the filing of his bankruptcy case leaving a balance due of \$2,550.00 (see id);

**AND** Mr. Sayles having filed an Application for Compensation and Reimbursement of Expenses ("Original Application") on June 2, 2014, requesting

payment of the remaining \$2,550 in compensation due for the total flat fee amount of \$3,500 (see Docket Entry # 112);

**AND** Mr. Sayles having attached as Exhibit “A” to his Original Application a Description of Services Rendered;

**AND** Debtor’s Third Amended Chapter 13 Plan having been confirmed on April 15, 2015 (Docket Entry #176 & #187);

**AND** Mr. Sayles’ Original Application having been granted on April 15, 2015 (Docket Entry #189);

**AND** Mr. Sayles’ Amended Supplemental Application requesting payment of an additional \$2,500 over the flat fee amount for total compensation in the amount of \$6,000;

**AND** Mr. Sayles stating, in paragraph 10 of the Amended Supplemental Application, that a copy of his “time records setting forth the dates and amount of time expended for services on behalf of the Debtor after confirmation of Debtor’s Chapter 13 plan” was attached as Exhibit “B” thereto (see Amended Supplemental Application ¶ 10 (emphasis added));

**BUT** there being no Exhibit “B” attached to the Amended Supplemental Application;

**AND** Mr. Sayles having listed the services which he performed on behalf of the Debtor on the Amended Supplemental Application by category (*i.e.*, Motion for Relief, Motion to sell Property, Objection to Proof of Claim) without providing any dates for the services;

**AND** the Court noting that most of the services listed on the Amended Supplemental Application were performed **prior** to confirmation of Debtor's Third Amended Chapter 13 plan in that:

- (1) The services that are listed under all three of the "motion for relief" categories include filing an amended plan and/or amended schedules which would have occurred prior to plan confirmation; and
- (2) The services listed under "Motion to Sell Realty Property" must have occurred prior to confirmation because the only motion on the docket dealing with the sale of real estate is Debtor's Motion to Sell Residential Real Estate which was filed on August 15, 2014 with the hearing having been held on September 3, 2014;

**AND**, consequently, the only category of services which appears to have provided **after** confirmation of Debtor's chapter 13 plan being "Objection to Proof of Claim" on page 4 of the Amended Supplemental Application and there being a total of five hours of services listed under this category (5 hrs. x \$300 per hour = \$1,500);

**AND** the Amended Supplemental Application, therefore, being inconsistent because the application states that compensation is being sought for services provided **after** confirmation; yet, the majority of services listed on the application were provided **prior** to confirmation;

**AND** the services which Mr. Sayles performed **prior** to confirmation of Debtor's Third Amended Plan having been included on the "Description of Services Rendered" which he attached as Exhibit "A" to his Original Application, except for the Motion to Sell Residential Real Estate (see Docket Entry # 112);

**AND** the Amended Supplemental Application also being insufficient in that it fails to provide **dates** for the services for which supplemental compensation is being sought;

**AND** the Court, therefore, denying the Amended Supplemental Application *without prejudice* to Mr. Sayles filing a second amended supplemental application.<sup>1</sup>



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**JEAN K. FITZSIMON**  
United States Bankruptcy Judge

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<sup>1</sup> The denial of Mr. Sayles' Amended Supplemental Application is not a judgment on the substance or quality of his legal representation of the Debtor. Based on a review of the docket, Mr. Sayles performed significant services for the Debtor.

Copies to:

**Applicant**

Michael D. Sayles, Esquire  
Sayles and Associates  
427 West Cheltenham Avenue, Suite #2  
Elkins Park, PA 19027-3201

**Debtor**

William F. Smith, Sr  
601 Medary Avenue  
Philadelphia, PA 19126

**Chapter 13 Trustee**

Polly A. Langdon, Esquire  
2901 St. Lawrence Avenue  
P.O. Box 4010  
Reading, PA 19606

**United States Trustee**

George Conway, Esquire  
Office of the U.S. Trustee  
833 Chestnut Street, Suite 500  
Philadelphia, PA 19107